

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-298-BO**

**GARY AND ANNE CHILDRESS, RUSSELL
AND SUZANNAH HO, MICHAEL
CLIFFORD, DAVID CAVENDER, RUSTY
DAVIS, CHRISTOPHER DERINGER,
CHRISTINA DUNCAN, ROBIN HINSON,
AND DAVID ORTIZ, on behalf of themselves
and others similarly situated,**

Plaintiffs,

v.

**JPMORGAN CHASE BANK, N.A., and
CHASE BANK USA, N.A.,**

Defendants.

**NOTICE OF REQUEST PURSUANT TO
SUPPLEMENTAL PROTECTIVE ORDER**

Defendants JPMorgan Chase Bank, N.A., and Chase Bank USA, N.A. (collectively, “Defendants”), pursuant to the Supplemental Protective Order entered by the Court on January 15, 2020, ECF No. 314 (the “Supplemental Protective Order”), hereby respectfully request that this Court return certain exhibits containing information from the Office of the Comptroller of the Currency (the “OCC”) that was filed in the course of litigation. In support of this request, Defendants state as follows:

1. Paragraph 7 of the Supplemental Protective Order requires that, with respect to any and all OCC-related information and materials exchanged during the course of discovery and litigation of this matter, all parties must destroy any and all OCC documents and information and certify to the Comptroller that such records have been destroyed. ECF No. 314 ¶ 7. It further provides that “counsel for Defendant[s], pursuant to 12 CFR 4.39(c), shall retrieve any records covered by this Order that may have been filed with the Court.” *Id.*

2. Pursuant to Paragraph 7, Defendants now request that the Court return all OCC-related documents that were filed under seal with chambers and that contain OCC-related information and materials protected by the Supplemental Protective Order. If granted, the Court would accordingly return

any and all copies of Exhibits 16-20, 22, 37, 51, 53, 56-57, and 62 to the Declaration of Knoll Lowney in Support of Plaintiffs' Motion for Summary Judgment (ECF No. 338-1).

3. Defendants have conferred with Plaintiffs regarding Defendants' request. Plaintiffs agree that Exhibits 16-20, 22, 37, 51, 53, 56-57, and 62 to the Declaration of Knoll Lowney in Support of Plaintiffs' Motion for Summary Judgment (ECF No. 338-1) are subject to Defendants' retrieval from the Court pursuant to Paragraph 7 of the Supplemental Protective Order, and accordingly, do not object to Defendants requesting the return of those exhibits per the Supplemental Protective Order.

Wherefore, Defendants respectfully request this Court return the aforementioned documents in order for Defendants to discharge their obligations under the Supplemental Protective Order.

Dated: December 2, 2020

Respectfully submitted,

/s/ Alan E. Schoenfeld

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2020, the foregoing document has been electronically filed using the CM/ECF system, which will send notification of such filing to the following:

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